



KIDS WIN IN SUPREME COURT RULING

CIPA upheld . . . children are safer in libraries

The recent Supreme Court ruling on the Children's Internet Protection Act (CIPA) was a clear victory for children and for family-friendly libraries. CIPA provides that federally funded libraries must provide filters for pornography that could be accessed by children.

CIPA's history

CIPA was passed in 2000 and signed by President Clinton because public libraries with unfiltered access were experiencing huge numbers of incidents where patrons, including children, were accessing pornography in the library. As a result of the easy access, incidents were reported that involved indecent exposure and sexual assaults. Children were in harm's way in the midst of a deceptively harmless library setting. The American Library Association (ALA) and the American Civil Liberties Union (ACLU) immediately filed separate lawsuits claiming that the law violated First Amendment rights. CIPA made its way through the courts to the Supreme Court with arguments heard earlier in the year.

The court rules

Chief Justice William Rehnquist authored the Court's opinion, joined by Sandra Day O'Connor, Antonin Scalia and Clarence Thomas. Justices Anthony Kennedy and Stephen Breyer filed concurring opinions. Opposing justices David Souter and Ruth Bader Ginsburg filed a separate report along with an opinion by Justice John Paul Stevens. The Court used decisions in *South Dakota v. Dole* and *Rust v. Sullivan* to uphold the CIPA, stating: "When the Government appropriates public funds to establish a program, it is entitled to broadly define that program's limits."

The Court said that CIPA "help(s) public libraries fulfill their traditional role of obtaining material of requisite and appropriate quality for educational and informational purposes. Especially because public libraries have traditionally excluded pornographic material from their collections."

Justice Breyer wrote: "Its' objectives—of restricting access to obscenity, child pornography, and material that is comparable harmful to minors—are 'legitimate and indeed often 'compelling.' No clearly superior or better fitting alternative to Internet software filters has been presented....It allows libraries to permit any adult patron access to an 'over-blocked' Web sit or to disable the software filter entirely upon request. Given the comparatively small burden imposed upon library patrons seeking legitimate Internet materials, it cannot be said that any speech-related harm that the statute may cause is disproportionate when considered in relation to the statute's legitimate objectives."

Libraries should not be "peep shows"

Jan LaRue, CWA's chief counsel states: "Congress enacted [CIPA] so that federal tax dollars wouldn't be used to turn libraries into dirty peep shows open to kids."

CWA co-authored an *amicus* (friend of the Court) brief with the National Law Center for Children and Families in defense of CIPA.

What now?

States should pass laws modeled on CIPA so that state-funded libraries that are not subject to CIPA will have to use filtering as well. Kansas has a bill left in the House Federal and State Affairs Committee based on CIPA. **(HB 2420).**

Call your representative and ask that they pass a bill mandating filters on computers accessed by children in public libraries.

Citizens need to monitor their own local libraries to see if they are in compliance with CIPA, particularly if they are accepting federal funds (E-Rate and LSTA funds for Internet access). According to Mona Carmack, head of the Johnson County Libraries, Johnson County libraries would lose a very small amount of federal funding dollars if they refuse to comply with CIPA. (Johnson County receives approximately \$80,000 from the Feds.) She stated that it would become a matter for the Library Board to consider, probably in the July meeting, with public hearings possible in August.

Testimonies by library patrons upholding the premise of CIPA are essential!!!

ACTION:

- Find out if your public library receives federal funds and if they are compliant with CIPA. The Federal funding will be in the form of E-rate and LSTA funding.
- It is possible that your local library will also hold hearings on whether to forgo the federal funds in order to continue to provide unfiltered access to pornography or anything else available on the Internet in the guise of the "right to read" or First Amendment rights.
- Remember without Federal funding the shortfall will be made up by local taxpayers; the taxpayer will be put in the position of funding pornography accessed by kids.
- Go to your local library board meetings and speak out against allowing children to access pornography. There is usually a time set aside for public comment.

TALKING POINTS:

- The "right to read" does not trump children's safety.
- The First Amendment does not cover obscenity and pornography
- The software can be disabled easily by adults accessing sites for research.
- Parents cannot monitor everything their children do; the public library should not be in league with activities that put children at risk.